

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

VENISSA SADDLER,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:05CV218-P-A

**QUITMAN COUNTY SCHOOL
DISTRICT, and VALMADGE
TOWNER, in His Individual Capacity,**

DEFENDANTS.

ORDER

This matter comes before the court upon Defendant Quitman County School District's Motion for Summary Judgment on Punitive Damages [94]. After due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

In her response, the plaintiff concedes that she may not recover punitive damages against the Quitman County School District because such damages are not available against governmental entities in Title VII or § 1983 cases. *Oden v. Oktibbeha County, Miss.*, 246 F.3d 458, 465-66 (5th Cir.), *cert. denied*, 534 U.S. 948 (2001) (punitive damages unavailable for Title VII claims against a governmental entity); *Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 263 (1981) (punitive damages unavailable for § 1983 claims against governmental entities).

The plaintiff does not concede, however, that she is barred from seeking punitive damages against Valmadge Towner in his individual capacity. Defendant Towner has filed no response in dispute.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Quitman County School District's Motion for Summary Judgment on Punitive Damages [94] is **GRANTED**; therefore,

(2) Any claim against Quitman County School District for punitive damages is hereby
DISMISSED WITH PREJUDICE; however,

(3) Any claim for punitive damages against Defendant Valmadge Towner is not the subject
of the instant motion for summary judgment and therefore remains.

SO ORDERED this the 30th day of July, A.D., 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE